

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

\_\_\_\_\_  
In re: \_\_\_\_\_

CIRCUIT CITY STORES, INC., *et al.*

Debtors.  
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Case No. 08-35653-KRH  
Chapter 11  
(Jointly Administered)

**TRIANGLE EQUITIES JUNCTION LLC'S RESPONSE TO THE  
DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION TO CLAIMS  
(DISALLOWANCE OF (I) CERTAIN AMENDED CLAIMS; AND (II)  
CERTAIN DUPLICATE CLAIMS**

COMES NOW Triangle Equities Junction LLC ("Triangle"), by and through undersigned counsel, and, for the reasons stated below, respectfully responds to Debtors' Thirty-Fifth Omnibus Objection To Claims (Disallowance Of (I) Certain Amended Claims; and (II) Certain Duplicate Claims) ("the Motion"):

1. On January 30, 2009, Triangle filed Claim Number 9266 in the amount of \$3,438,865.36 for rejection and termination of non-residential lease and damages arising from the rejection of the lease for the real property located at 1600 Flatbush Avenue, Brooklyn, New York. The claim included both a secured and an unsecured portion.

2. On June 17, 2009, Triangle filed Claim Number 13401 in the amount of \$3,512,665.36 which amended Claim Number 9266. It in all respects duplicates Claim Number

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9266, but includes an additional claim for an undischarged mechanics' lien. Claim Number 13401 includes an unsecured portion in the amount of \$554,501.95 and a secured portion in the amount of \$2,958,163.41 relating to the lease.

3. Triangle does not object to the disallowance of Claim Number 9266, but files this response because Exhibit C attached to the Debtors' Thirty-Fifth Omnibus Objection to Claims identifies Claim Number 13401 as an unliquidated claim. Claim Number 13401 is not an unliquidated claim and never was. For clarity of the record, Triangle submits to the Court that Claim Number 13401 is in the amount of \$3,512,665.36 and that the record should so reflect.

4. This response has been filed consistent with the Notice of the Claim Objection, and hence, copies of Triangle's Claims are intentionally not attached. Further, the response has been filed consistent with the applicable Case Management Order. Triangle hereby reserves all rights to supplement this response at a later date, to the extent necessary. Triangle further seeks all other appropriate relief.

Dated: September 14, 2009

KILPATRICK STOCKTON LLP

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**CERTIFICATE OF SERVICE**

I, Mark D. Taylor, hereby certify that a true and correct copy of the foregoing TRIANGLE EQUITIES JUNCTION LLC'S RESPONSE TO THE DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION TO CLAIMS (DISALLOWANCE OF (I) CERTAIN AMENDED CLAIMS; AND (II) CERTAIN DUPLICATE CLAIMS was served by electronic means on the "2002" and "Core" lists and through ECF system which in turn will generate an electronic notice of filing to all parties registered to receive electronic notice from the Courts and was served via U.S. Mail upon the parties listed below on September 14, 2009.

Honorable Kevin R. Huennekens  
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Dated: September 14, 2009

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